

UNITED STATES DISTRICT COURT

JUN 28 2018

for the

Middle District of Tennessee

 BY _____
 DEPUTY CLERK

United States of America)
 v.)
 JAMES HORTON, HERBERT MARSH and)
 HAKEEM MANNIE)

 Case No. **18 MJ-1170**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 26 and June 27, 2018 in the county of Davidson in the
Middle District of Tennessee, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 1951 and 2	Count One - robbery affecting commerce.
18 U.S.C. 924(c)(1)(A) and 2	Count Two - using and carrying a firearm during and in relation to a crime of violence.
18 U.S.C. 922(g)(1), 924, and 2	Count Three - Convicted felon in possession of firearms (Marsh/Mannie only)

This criminal complaint is based on these facts:

SEE ATTACHED STATEMENT IN SUPPORT OF A CRIMINAL COMPLAINT.

☒ Continued on the attached sheet.

Complainant's signature

ATF S/A Raymond Morgan Madison

Printed name and title

Sworn to before me and signed in my presence.

 Date: 06/28/2018

 City and state: NASHVILLE, TN

Judge's signature

Barbara D. Holmes, United States Magistrate Judge

Printed name and title

STATEMENT IN SUPPORT OF CRIMINAL COMPLAINT

I, Raymond Morgan Madison, having been duly sworn upon oath, stated as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been so employed since November 2015. I am currently assigned to the Nashville Field Division, Nashville V Field Office.
2. This statement is submitted in support of a Criminal Complaint for the arrest of HAKEEM MANNIE and HERBERT MARSH for possession of firearms by a previously convicted felon, in violation of Title 18, United States Code, Sections 922(g)(1), 924 and 2; HAKEEM MANNIE, HERBERT MARSH and JAMES HORTON for using and carrying a firearm during and relation to a crime of violence, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2; and HAKEEM MANNIE, HERBERT MARSH and JAMES HORTON for Robbery affecting commerce, in violation of Title 18 United States Code Sections 1951 and 2.
3. The following information contained in this affidavit is based on my training and experience, my participation in the investigation, my review of investigative reports, and information provided to me by other law enforcement officials. Where conversations are related herein, they are related in substance and in part. Not all of the facts of the investigation known to me are contained herein, only those necessary to establish probable cause for the arrest of MANNIE, HORTON and MARSH for the stated offenses.
4. On June 26, 2018, Metropolitan Nashville Police Department (MNPD) Officers and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agents (SA) responded to report of an armed robbery at Music City Pawn #3 (FFL# 1-62-05756), located at 2638 Nolensville Pike, Nashville, TN. During the robbery, three unidentified black males, who subsequently fled in a U-Haul van, took fourteen firearms and approximately \$8,161.51 US currency contained in two bank bags.
5. At the time of the robbery, two employees, CM and TT were inside of the business along with one customer, RW. CM and TT were behind the sales counter and RW was in the rear of the business, inside of the restroom when the three assailants entered.
6. The employees stated, in sum and substance, three male black subjects entered the store with masks and gloves. One of the assailants was armed with a handgun with an extended magazine and a mounted weapon light. The assailants ordered CM and TT to the ground. TT was placed on the ground and his hands were bound with a musical instrument cable. After securing TT with the cable, CM was also placed on the ground and bound, and then was drug to the back of the store where he was ordered to open the safe. RW

stated he heard the commotion while he was in the bathroom but did not come out until the suspects fled.

7. Law Enforcement Officers (LEO) retrieved video surveillance footage from Music City Pawn #3. Video surveillance footage displayed the assailants rummaging around behind the sales counter and placing firearms into a black and gray backpack, which they brought with them. Fourteen handguns were taken from the glass display case and three rifles were taken from the wall-mounted rack. The suspects fled the store, entered a white U-Haul van bearing green lettering, and drove northbound on Nolensville Pike toward Interstate 440. Crime Scene Investigative Services was called to process the scene. No injuries were reported.
8. ATF Industry Operations Investigator (IOI) Robert Dupree conducted a full firearms inventory of Music City Pawn #3 and filed an ATF Theft/Loss Report. The following firearms were reported stolen from Music City Pawn #3 in the robbery on 6/26/2018:
 - Taurus International model Judge, caliber 45-410 revolver
 - Smith and Wesson model 442, caliber 38 special revolver
 - Beretta model 92FS, caliber 9mm pistol
 - European American Armory Corp model Witness, caliber 9mm pistol
 - Anderson Manufacturing model AM15, caliber 5.56 rifle
 - Smith and Wesson model SD9VE, caliber 9mm pistol
 - Israel Weapon Industries model 941, caliber 9mm pistol
 - Smith and Wesson model M&P 9 Shield, caliber 9mm
 - Taurus International model PT24-7 Pro, caliber .45
 - Del-Ton Incorporated model DTI-15, caliber 5.56 rifle
 - Century International Arms model TP9-SF, caliber 9mm pistol
 - Smith and Wesson model 442-1, caliber 38 special revolver
 - Sig Sauer model P226 Mk25, caliber 9mm pistol
 - Adams Arms model AASF-308, caliber 308 rifle
9. On June 27, 2018, at approximately 1807 hours, MNPd Officers initiated a traffic stop on a 2008 gray BMW 251, bearing TN tag 7K14Y2, for an improper left hand turn at the intersection of 24th Ave N and Rosa L Parks Blvd. While making contact with the driver HORTON, Officers detected the odor of marijuana emanating from the vehicle. Additionally, HORTON advised Officers that he did not have a valid driver license and had just gotten finished smoking marijuana. Investigation revealed that said vehicle is registered to MARSH.
10. Officers requested all occupants of the vehicle exit, in order for Officers to search the vehicle. The driver, HORTON and three passengers - front seat passenger MANNIE, driver side rear passenger MARSH, and rear passenger side Pacresha Cosby - exited the

vehicle. During the search of the vehicle, officers collected a plastic bag containing 1.5 grams of marijuana in the driver side door and a marijuana blunt between the front passenger seat and door. From the glovebox, officers recovered a Springfield, model XD45, .45 caliber pistol with an extended magazine loaded with 26 rounds of ammunition and a mounted weapon light, and a Century Arms, Canik model TP9SF, 9mm caliber pistol, loaded with 15 rounds of ammunition. From the trunk, officers recovered a black and gray backpack that bears a pattern consistent with the backpack used in the robbery of Music City Pawn. The backpack contained three additional handguns - an EAA model Witness, caliber 9mm pistol; a Smith and Wesson, model SD9VE 9mm pistol; and a Sig Sauer, model P226 Mk25, 9mm caliber pistol. Upon review, each of the five firearms had an NCIC entry as stolen. Four of the five firearms were reported stolen from Music City Pawn #3, on 06/26/2018; the exception being the Springfield model XD45, .45 caliber pistol with an extended magazine and a mounted weapon light.

11. Review of the video surveillance footage from Music City Pawn #3, revealed two individuals matching the physical appearance of MANNIE and MARSH, enter the business at approximately 9:49 AM and sell a riflescope for \$75.00. MARSH provided his TN driver license in order to complete the transaction and signed the pawn receipt and statement of understanding. Video surveillance footage of the exterior of the business revealed MANNIE and MARSH arrive in a dark in color, early 2000's, 4 door BMW sedan.
12. Agents spoke with CM and TT individually and both CM and TT informed agents that they observed news coverage of the arrests of MANNIE, MARSH, and HORTON and recognized them as the individuals who robbed the store and recognized MANNIE and MARSH as the individuals who were in the store prior to the robbery engaged in the transaction described above.
13. Review of the surveillance footage from the robbery of Music City Pawn #3 revealed an individual matching the physical description and likeness of HORTON carrying and brandishing a black semi-automatic pistol with an extended magazine and a weapon mounted light during the robbery.
14. Review of a cellular phone belonging to HORTON for which HORTON gave consent to search, agents found photographs dated June 27, 2018, which depict HORTON displaying a firearm with the following identifiers clearly visible: Century Arms, Canik model TP9SF; and a large quantity of United States Currency.
15. On June 28, 2018 agents have located a U-Haul van matching the description of the vehicle used in the robbery outside the home of Jasmine Marsh who is the sister of

MARSH and based on records provided by U-Haul, the vehicle was rented by Valencia Cole who is known to be a girlfriend of MARSH.

16. According to a review of Tennessee Department of Correction records, MANNIE's criminal history revealed that he has six previous felony convictions for forgery.
17. According to a review of Tennessee Department of Correction records, MARSH's criminal history revealed that he has three previous felony convictions for forgery.
18. An ATF Firearms Interstate Nexus Expert was provided with a description of the firearms described herein. The ATF Firearms Interstate Nexus expert determined that the firearms are in fact firearms, as defined by 18 U.S.C. § 921(a)(3), and that the firearms were not manufactured in the state of Tennessee; and, therefore, at some point in time, traveled in and affected interstate or foreign commerce.
19. The ATF agent spoke with the owner of Music City Pawn who indicated that it possesses a current Federal Firearms License to sell and distribute firearms in the state of Tennessee and pays an annual fee to ATF in Atlanta, Georgia. The owner further stated that the business operates and conducts eBay online sales, purchases car audio equipment from M&M Merchandisers located in Fort Worth, Texas, and firearms from Davidson's, a firearms distributor located in Prescott, Arizona. The owner further stated that the business averages one thousand, one hundred dollars (\$1100) in gross profits each work day, and on the day of the robbery, the business closed at 10:30am and the gross profit for that day was approximately forty-seven (\$47.00) dollars. Based on the foregoing your affiant submits that this is a business that operates in interstate commerce.
20. All of the described events occurred in Nashville, Davidson County, located in the Middle District of Tennessee.
21. Based upon the foregoing, I submit that there is probable cause that HAKEEM MANNIE, HERBERT MARSH and JAMES HORTON committed the crimes described herein.
22. Further affiant sayeth not.